




To the Honorable Council
City of Norfolk, Virginia

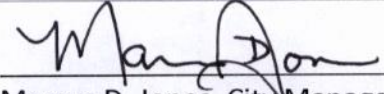
May 10, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception for an Entertainment Establishment at 740 Duke Street, Suite 100
– d'Art Center**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-9**

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **6 to 0**, with one abstention, the Planning Commission recommends **Approval**.

III. **Request:** Special Exception for an Entertainment Establishment

IV. **Applicant:** d'Art Center

V. **Description:**

The application will allow the d'Art Center to offer alcoholic beverages and entertainment options to its patrons in its new location.

	Proposed
Hours of Operation	7:00 a.m. until 12:00 midnight, Seven days a week
Hours for Alcoholic Beverages and for Entertainment	9:00 a.m. until 12:00 midnight, Seven days a week
Capacity	49 total capacity per floor
Entertainment Options	<ul style="list-style-type: none">• Five-member live band• Poetry Reading

VI. **Historic Resources Impacts**

The building is not located within a federal, state, or local historic district.

VII. Public Schools Impacts

The site is located in the Taylor Elementary School, the Blair Middle School and Maury High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

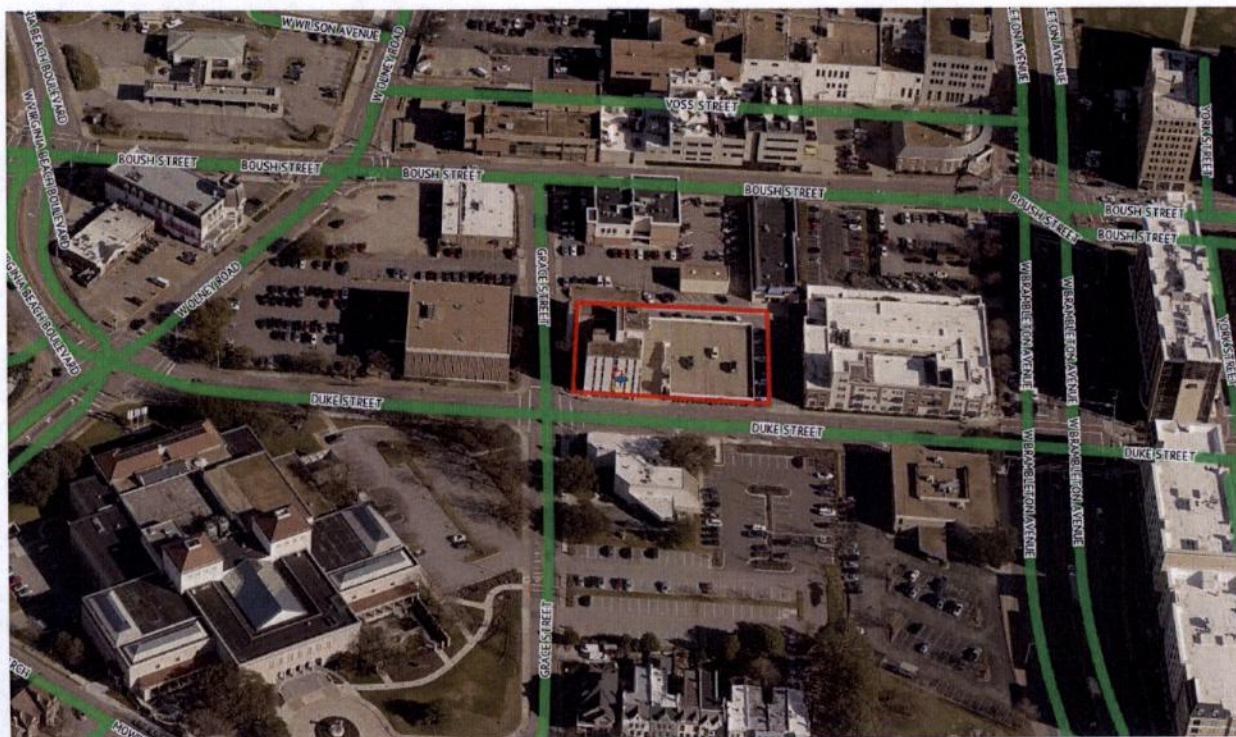
- Staff Report to CPC dated April 28, 2016 with attachments
- Letter of no objection – Downtown Norfolk Civic League
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: April 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GMH*

Planner: Matthew Simons, AICP, CZA, CFM *MS*

Staff Report	Item No. 18	
Address	740 Duke Street, Suite 100	
Applicant	d'Art Center	
Request	Special Exception	Entertainment Establishment
Property Owner	Downtown Norfolk Properties, LLC	
Site Characteristics	Building Area/Space	44,398 sq. ft./10,992 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-4 (Downtown Arts and Design)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-4: Norfolk Community Services Board
	East	D-4: Nouvelle Restaurant
	South	D-4: 220 West Downtown Condos
	West	D-4: Chrysler Museum Glass Studio



A. Summary of Request

- The establishment is proposed on the first and second floor of the Duke Grace Office Building, located on the southeast corner of Duke Street and Grace Street within the Downtown Arts and Design District.
- The applicant proposes to allow the existing d'Art Center to offer alcoholic beverages and entertainment options to its patrons.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

C. Zoning Analysis

i. General

- The site is located in the D-4 district, which permits the proposed use by special exception.

	Proposed
Hours of Operation	7:00 a.m. until 12:00 midnight, Seven days a week
Hours for Alcoholic Beverages and for Entertainment	9:00 a.m. until 12:00 midnight, Seven days a week
Capacity	49 total capacity per floor
Entertainment Options	<ul style="list-style-type: none">• Five-member live band• Poetry Reading

ii. Parking

- The site is located within the Downtown Character District, which requires one parking space per 250 square feet for new entertainment establishments.
- Given the proposed entertainment establishment is 10,992 square feet, it is required to accommodate 44 off-street parking spaces.
 - The site is able to accommodate the required parking within the parking garage located on-site to the south of the building.

iii. Flood Zone

- The property is located in the AE (Elev. 7.6) Flood Zone, which is a high-risk flood zone.
- Any substantial improvements or additions made to the structure must comply with appropriate development standards.

D. Transportation Impacts

- No new trips are forecast related to the proposed addition of on-site alcohol sales at this existing establishment.
- Duke Street adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The building is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Taylor Elementary School, the Blair Middle School and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing site.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the addition of alcohol and entertainment should not have a negative effect on the surrounding area.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on March 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the consumption of alcoholic beverages and for entertainment shall be limited to 9:00 a.m. until 12:00 midnight, seven days a week.
- (c) The total occupant capacity, including employees, shall not exceed 49 people per floor.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or

management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (e) Entertainment shall be limited to live bands having no more than five members and poetry readings. No other form of entertainment is permitted.
- (f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (h) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (i) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (k) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special

exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (p) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (r) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (s) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Downtown Civic League and Downtown Norfolk Council

Proponents and Opponents


Proponents

Angela Tilley – Representative
740 Duke Street
Norfolk, VA 23510

Opponents


None

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: 

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "D'ART CENTER" ON PROPERTY LOCATED AT 740 DUKE STREET, SUITE 100.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to d'Art Center authorizing the operation of an entertainment establishment with alcoholic beverages known as "d'Art Center" on property located at 740 Duke Street, Suite 100. The property which is the subject of this Special Exception is more fully described as follows:

Property located at the southeast corner of Duke Street and Grace Street fronting 244 feet, more or less, along the eastern line of Duke Street and 122 feet, more or less, along the southern line of Grace Street; premises numbered 740 Duke Street, suite 100.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be limited to 9:00 a.m. until 12:00 midnight, seven days per week.
- (c) The total occupant capacity, including employees, shall not exceed 49 people per floor.
- (d) This special exception shall terminate in the event

of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (e) Entertainment shall be limited to live bands having no more than five (5) members and poetry readings. No other form of entertainment is permitted.
- (f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent

to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.

- (l) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (m) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (n) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (o) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;

- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (p) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (q) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code; and
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (2 pages)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 3-2-16

Trade name of business Art Center

Address of business 740 Duke Street Norfolk VA 23510, Ste. 100

Name(s) of business owner(s) Carolyn Phillips, Executive Director - Dockside Art Review 501-(c)3

Name(s) of property owner(s) Decker Family, Downtown Norfolk Properties, LLC

Name(s) of business manager(s)/operator(s) Carolyn Phillips, Executive Director

Daytime telephone number 757 625-4211

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		*Alcoholic Beverage Sales and Entertainment*	
Weekday	From <u>7:00am</u> To <u>12:00am</u>	Weekday	From <u>9:00am</u> To <u>12:00am</u>
Friday	From <u>7:00am</u> To <u>12:00am</u>	Friday	From <u>9:00am</u> To <u>12:00am</u>
Saturday	From <u>7:00am</u> To <u>12:00am</u>	Saturday	From <u>9:00am</u> To <u>12:00am</u>
Sunday	From <u>7:00am</u> To <u>12:00am</u>	Sunday	From <u>9:00am</u> To <u>12:00am</u>

* w/alcohol ^{and entertainment} ceasing at midnight.

Change made
per applicant's email
request 4/20/16
M.A.

2. Type of ABC license applied for (check all applicable boxes):
☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

- ONLY for ticketed fundraisers - 2-4 times annually

5b. Which days of the week will there be a cover charge (circle all applicable days):

☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday ☒ Friday
☒ Saturday ☒ Sunday see 5a

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

- space can be rented for events from the d'Art Center

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☒ Yes ☒ No

7a. If yes, explain:

- d'Art has resident artist sublease tenants - spaces can be rented for other events

Non-profit third parties only. All other events solely controlled & managed by d'Art

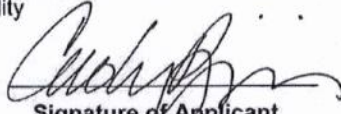
8. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

The d'Art Center space at 740 Duke will
be used similarly to the previous d'Art
Center space at Selden Arcade.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility


Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

b. **Outdoor**

Number of seats

c. **Number of employees**

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 49 per floor

2. Entertainment

List ANY type of entertainment proposed other than a 5 member live band, ~~karaoke~~, comedian, or poetry reading.

art displays

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

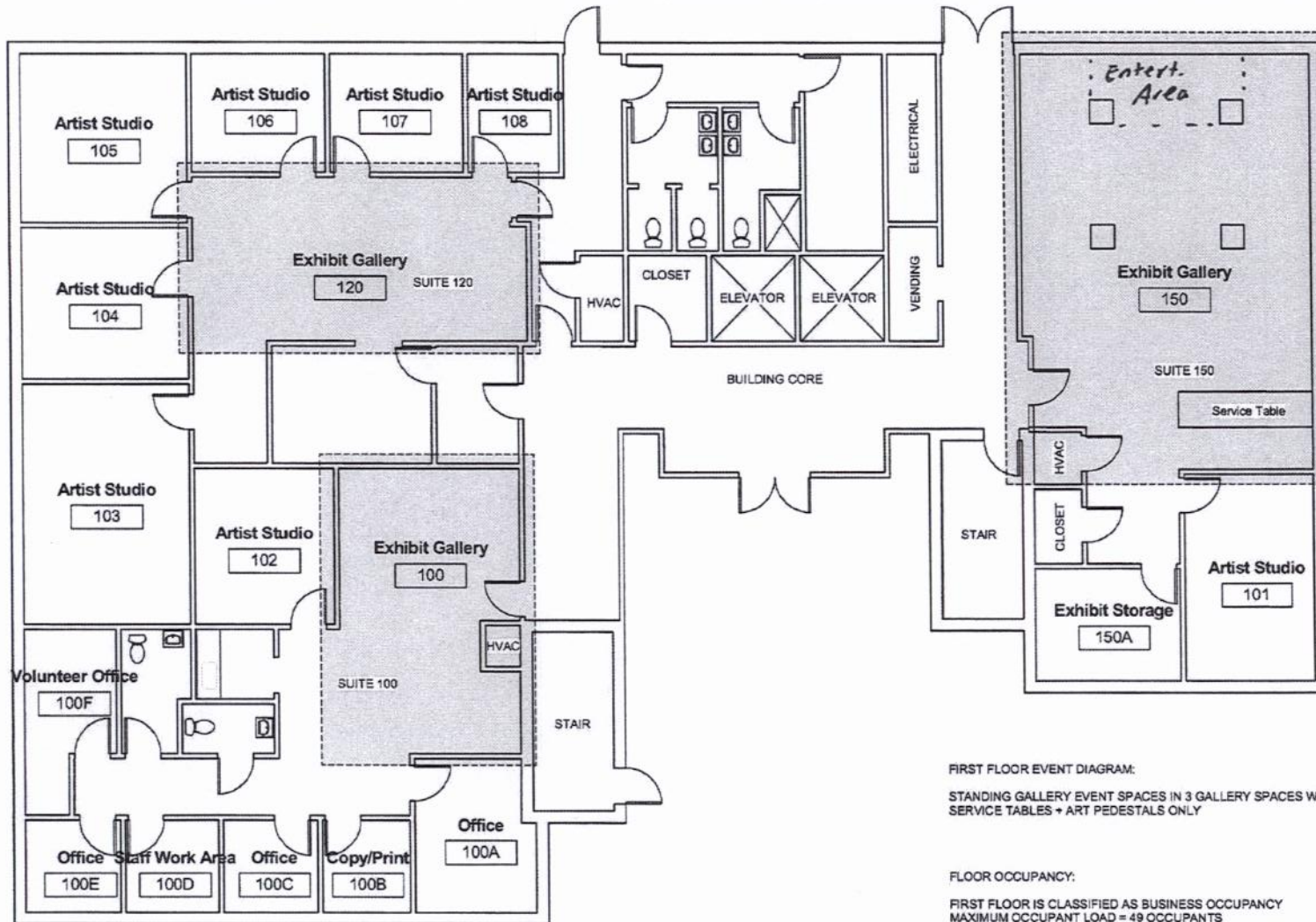
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit B



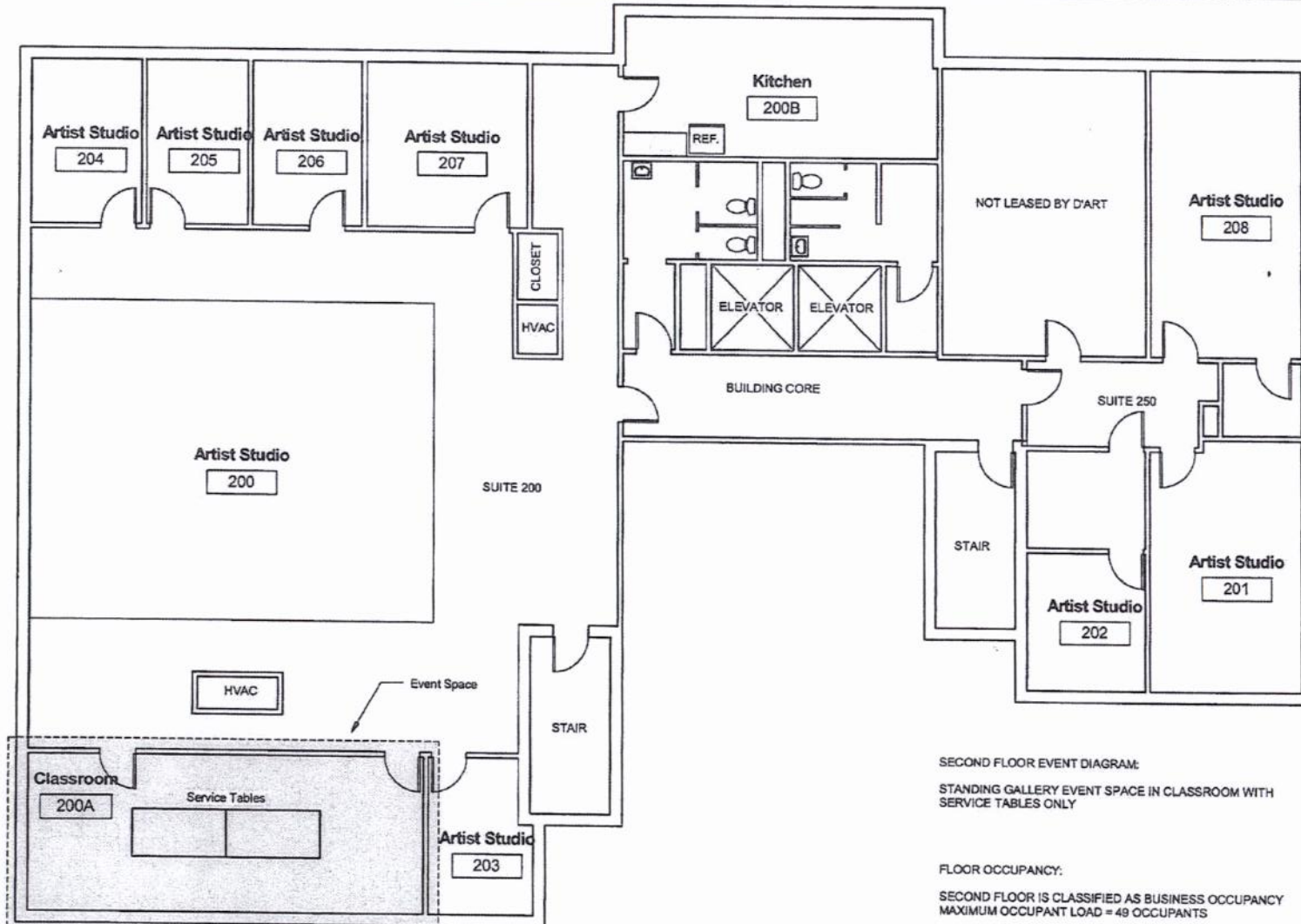
FIRST FLOOR EVENT DIAGRAM:

STANDING GALLERY EVENT SPACES IN 3 GALLERY SPACES WITH SERVICE TABLES + ART PEDESTALS ONLY

FLOOR OCCUPANCY:

FIRST FLOOR IS CLASSIFIED AS BUSINESS OCCUPANCY
MAXIMUM OCCUPANT LOAD = 49 OCCUPANTS

Event Diagram - First Floor		ED101	
Project number	15035	Date	03/07/16
Drawn by	SC	Checked by	SC
Scale		1/8" = 1'-0"	
d'ART Center		Temporary Relocation	
VIA design architects, pc			



SECOND FLOOR EVENT DIAGRAM:

STANDING GALLERY EVENT SPACE IN CLASSROOM WITH SERVICE TABLES ONLY

FLOOR OCCUPANCY:

SECOND FLOOR IS CLASSIFIED AS BUSINESS OCCUPANCY
MAXIMUM OCCUPANT LOAD = 49 OCCUPANTS

Event Diagram - Second Floor

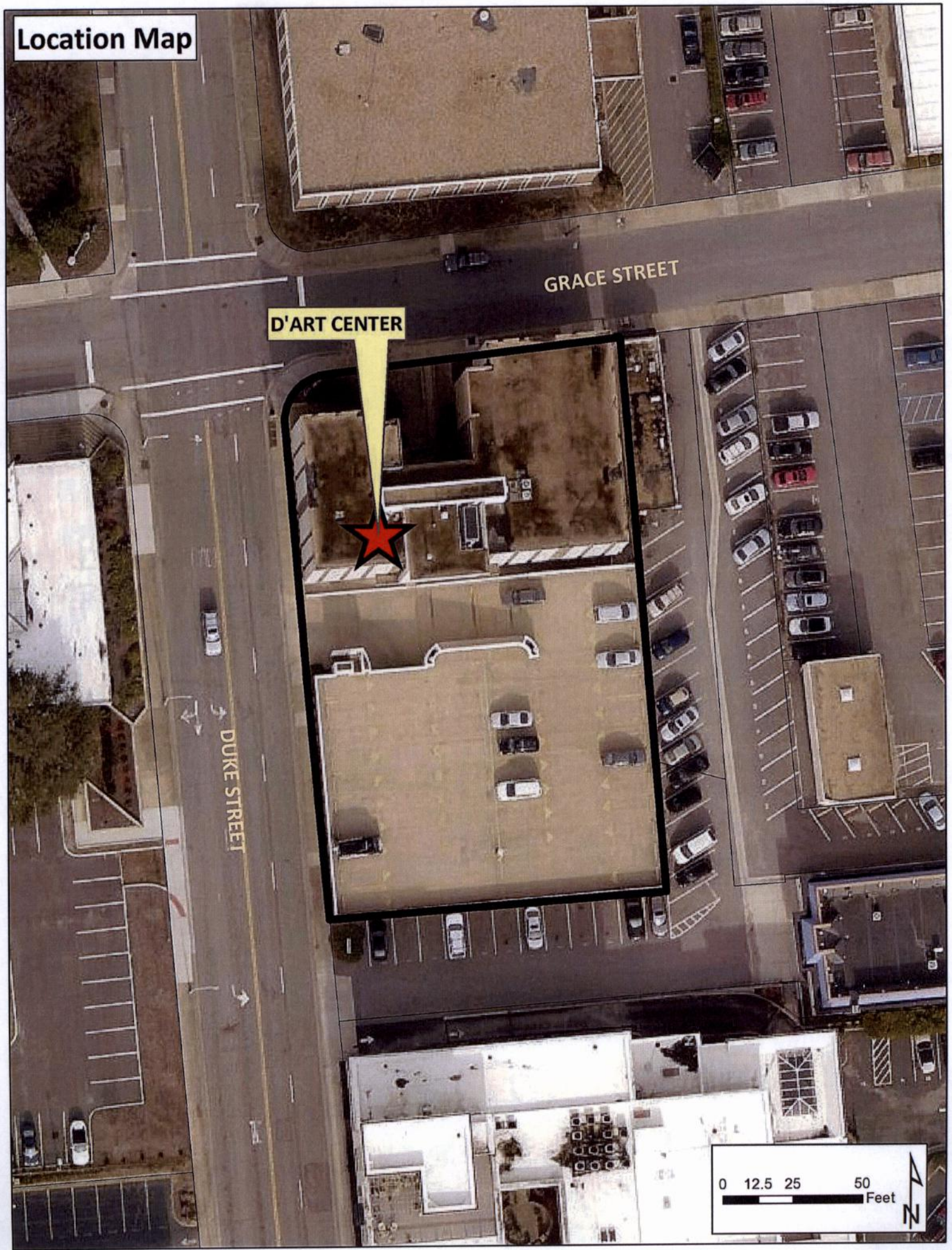
Project number	15035	ED102
Date	03/07/16	SC
Drawn by	SC	Scale 1/8" = 1'-0"
Checked by	SC	

d'ART Center

Temporary Relocation



Location Map



D'ART CENTER

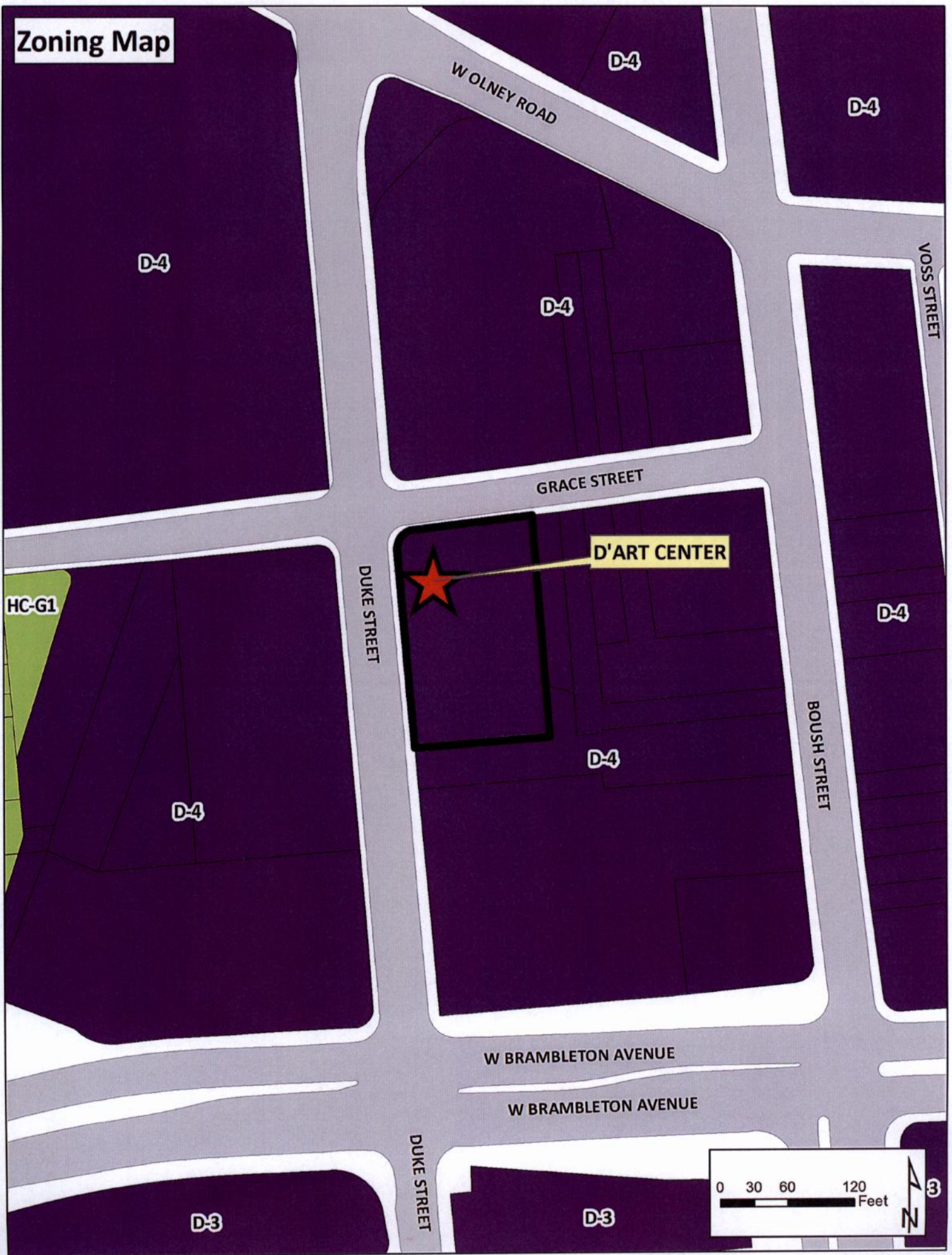
GRACE STREET

DUKE STREET

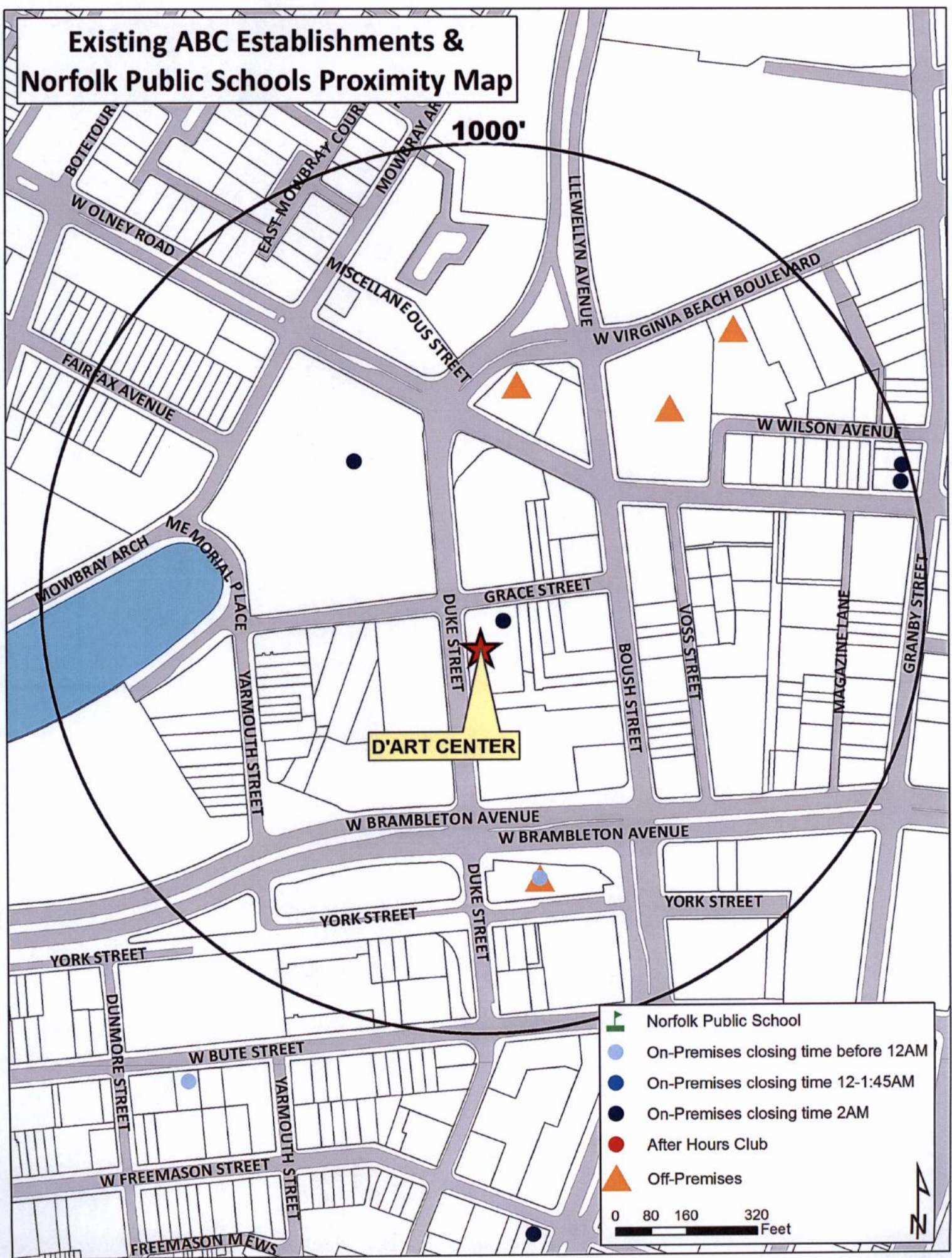
0 12.5 25 50 Feet



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date 3-2-16

DESCRIPTION OF PROPERTY

Address Suite 100
740 Duke Street, Norfolk VA 23510

Existing Use of Property Office Building (multiple tenants)

Proposed Use d'Art Center (1st & 2nd floors)

Current Building Square Footage 28,531

Proposed Building Square Footage 10,992

Trade Name of Business (If applicable) d'Art Center

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Dockside Art Review (SOIC3) dka "d'Art Center"

1. Name of applicant: (Last) Phillips (First) Carolyn (MI) B

Mailing address of applicant (Street/P.O. Box): 740 Duke Street

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 625-4211 Fax () N/A

E-mail address of applicant: carolynphillipsart@gmail.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
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Application
Entertainment Establishment
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Phillips (First) Carolyn (MI) B

Mailing address of applicant (Street/P.O. Box): 740 Duke Street

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 625-4211 Fax () N/A

E-mail address of applicant: carolynphillipsart@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) DECKER (First) Phillip (MI)
c/o Ross Bobby or H. Joel Weintraub Manager

Mailing address of property owner (Street/P.O. box): 109 E. Main St.

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 640-2332 email: dlihp@aol.com

*dba Downtown
Norfolk Properties, LLC*

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Darnton Norfolk Properties, LLC Sign: [Signature] (Property Owner or Authorized Agent of Signature) (Date) 3/7/16

Print name: Carolyn Phillips Sign: [Signature] (Applicant) (Date) 3/2/2016

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ (Authorized Agent Signature) (Date) / /

Security Plan for the d'Art Center

740 Duke Street, Norfolk, VA 23510

Definition of "Security":

- freedom from danger, risk, etc.; safety
- freedom from worry, anxiety, or doubt; well-founded confidence
- something that secures or makes safe; protection; defense
- precautions taken to guard against crime, attack, etc.

Goals:

- To create a safe a secure environment for d'Art Center resident artists, patrons, staff, board members, and other affiliates.
- To provide a level of control and safety for all arriving and departing guests of the d'Art Center, through the oversight of d'Art staff and trained volunteers.
- To mitigate any noise or inappropriate conduct by patrons of the d'Art Center entering or leaving the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby. This also applies to our resident artists and staff, who work closely and communally.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property occur. The d'Art Center staff, trained volunteers, and resident artists shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety of members of the public.
- To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting, and hospitable character of the neighborhood and the City of Norfolk.

Features of the Plan:

- Security at the d'Art Center is handled by staff, trained volunteers, and with assistance from one of our resident artists who is a police officer in the City of Norfolk. Volunteers and staff are provided with information on emergency contacts, protocol for various scenarios that may arise, and detailed information on securing the premises for the safety of patrons and affiliates. Volunteers are trained similarly.
- Members of the public who visit d'Art, as well as d'Art affiliates like staff and resident artists, are expected to abide by all city, state, and federal laws regarding dress and weapons. D'Art is open to the public, and all age groups from the public; alcohol is only served occasionally at special events, usually in the evening. If someone at d'Art is found to be in lawful violation of dress or weapons, they would be asked to leave the premises and law enforcement would be contacted.
- Drink limits are documented and enforced by the bartender and/ or d'Art staff. Intoxicated persons would be prevented from driving themselves from the function; a cab is called, if a designated driver is not available. Intoxicated patrons who are unruly, or patrons who are

generally unruly, are asked to leave the premises. Law enforcement is contacted when necessary, depending on circumstances and severity.

Access:

- A parking deck is adjacent to the building, operated by the landlord, and available to tenants including d'Art Center resident artists and staff. The landlord maintains the parking deck. Patrons to the d'Art Center may utilize street parking near the facility; there are several streets nearby that allow public parking.

Integration:

- The d'Art Center will interface effectively with any law enforcement in situations where a possible crime has been committed or which warrant police intervention. All d'Art affiliates are committed to assisting law enforcement with what is necessary to find resolution to any adverse situation or circumstances. D'Art Center affiliates are also respectful of their neighbors, both within the building, and in the neighborhood. We work with our neighbors regarding parking, events, noise, or any other potential area of concern that may arise.

Uniform:

- D'Art staff and volunteers wear name tags and have identifiers on office doors and at desks.

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, March 16, 2016 2:22 PM
To: 'dncl@welovenorfolk.org'; Miller, Mary; 'info@ghentva.org'; 'Emily Birknes'; 'ghentsquare@verizon.net'
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris
Subject: new Planning Commission application
Attachments: dArts.pdf

Mr. Murphy, Ms. Miller, Ms. Birknes, and Ms. Lamkin:

Attached please find the following application for a special exception to operate an entertainment establishment with alcoholic beverages at 740 Duke Street, suite 100.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank You.

Matthew Straley
GIS Technician II



City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov



Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, March 16, 2016 4:06 PM
To: Whitney, Chris
Subject: FW: new Planning Commission application
Attachments: dArts.pdf

FYI

Matthew Straley
GIS Technician II



City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

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www.norfolk.gov



From: Kevin R. Murphy [mailto:krmurphy@verizon.net]
Sent: Wednesday, March 16, 2016 4:04 PM
To: Straley, Matthew
Subject: RE: new Planning Commission application

Matthew,

The DNCL will have no objections to this application.

Thank you,

Kevin

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]
Sent: Wednesday, March 16, 2016 2:22 PM
To: dncl@welovenorfolk.org; Miller, Mary <mmiller@downtownnorfolk.org>; info@ghentva.org; Emily Birknes <emilybirknes@gmail.com>; ghentsquare@verizon.net
Cc: Whibley, Terry <Theresa.Whibley@norfolk.gov>; Winn, Barclay <barclay.winn@norfolk.gov>; Howard, Oneiceia <Oneiceia.Howard@norfolk.gov>; Whitney, Chris <Chris.Whitney@norfolk.gov>
Subject: new Planning Commission application

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